

R. Mark Keenan  
mkeenan@andersonkill.com  
Dennis J. Artese  
dartese@andersonkill.com  
Kathleen F. Donovan  
kdonovan@andersonkill.com  
ANDERSON KILL & OLICK, P.C.  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 278-1000  
Facsimile: (212) 278-1733

Attorneys For Defendant  
Andrew Kahnke

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JANUS ET CIE,

Plaintiff,

v.

ANDREW KAHNKE,

Defendant.

Civil Action No. 12-CIV-7201-WHP

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the points and authorities set forth in the Memorandum of Law submitted herewith and the pleadings herein, defendant Andrew Kahnke will move this Court before the Honorable William H. Pauley on January 4, 2013 at 11:00 a.m. for an order dismissing the Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court's Scheduling

Order, answering papers, if any, are to be served on or before December 14, 2012.

Dated: New York, New York  
November 30, 2012

**ANDERSON KILL & OLICK, P.C.**

By: *s/ Dennis J. Artese*

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R. Mark Keenan  
Dennis J. Artese  
Kathleen F. Donovan  
1251 Avenue of the Americas  
New York, NY 10020  
Tel: (212) 278-1246  
Fax: (212) 278-1733

*Attorneys for Defendant  
Andrew Kahnke*